

REMARKS

This paper is responsive to the Non-Final Office Action mailed on March 24, 2006. Reconsideration of this application is respectfully requested. Claims 1-4, 8, 9, 12-15, 17, and 20-22 are currently pending in this application. Claims 1-4, 8-9, 12-15, 17, and 20-22 remain under consideration, and of these claims, 1 and 12 are independent. There are no new claims. No new matter is added.

Applicants have carefully reviewed the applied art, including Kubo et al. (JP 2001-14591), Brophy (U.S. 1,616,604), Gartner et al. (U.S. 6,054,932), Galella (U.S. 3,863,207), Tauchi et al. (U.S. 6,127,943), Cohn (U.S. 5,710,560), Imamura (U.S. 4,253,083), Moore (U.S. 6,707,393), and Spearing (U.S. 6,679,615).

Claims 1, 3, 8, 9, 12, 14, 17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 1,616,604 to Brophy in view of JP 2001-14591 to Kubo et al. This rejection is respectfully traversed in view of the following remarks.

Claim 1 is directed toward a safety indicator having a first color highly visible to an observer having ordinary color vision and a second color more perceptible by the blue-sensitive photoreceptors of a retina than by other photoreceptors, with the first color substantially surrounding the second color. Brophy discloses a traffic signal having red (24) and green (25) portions, and with an annular rim portion (37) formed at the outer edge of the lens, and which surrounds both portions. The action recognizes that Brophy does not disclose a traffic signal having a second color being more perceptible by blue-sensitive photoreceptors of a retina. Additionally, Brophy does not suggest adding a second color to the center of the traffic signal portions 24 and 25—the portions which indicate whether a viewer must stop or go.

Kubo discloses adding a greenish blue or a blue color as an auxiliary color to a main color. Specifically, Kubo discloses adding the auxiliary color as an outline around the main color.

The action states that it would have been obvious “to modify the indicator and light by replacing the green, taught by Brophy, with a greenish-blue color, as taught by Kubo et al., or by a blue color, as suggested by Kubo et al., in order to provide an indicator and light that can be seen by normal and more noticeable to those suffering from daltonism.” Applicants disagree.

The green light (25) of Brophy is the traffic signal itself (the main color) which alerts a viewer of when it is safe to go. Changing the green light (25) of Brophy to a blue light would render the traffic signal of Brophy unusable to both normal and color-blind viewers. According to the MPEP 2143.01(V), “if the proposed modification to the prior art reference renders the prior art unsatisfactory for its intended purpose, then there is no suggestion of motivation to make the proposed modification.” Therefore, Applicants believe that there is no motivation to replace the green portion of Brophy with a blue portion. Thus, Kubo et al. fail to bridge the gap of Brophy.

Claims 1, 3, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 1,616,604 to Brophy in view of JP 2001-14591 to Kubo et al., and U.S. 3,863,207 to Galella. This rejection is respectfully traversed for the same reasons as stated above, and in view of the following remarks.

Galella discloses a signaling apparatus including a red signal light 16, surrounded by an amber light 18, and a green signal light 20 surrounding by an amber light 22. The action states that “it would have been obvious to modify the first red safety color of Brophy to be another color such as amber, as taught by Galella.” The first red safety color of Brophy is the annular rim portion, and does not include either of the signal portions 24 or 25. While the outer rim portion may be changed to amber, there is still no suggestion to change the signal lights 24 and 25 of Brophy to be or to include blue, as argued above. Thus, Galella fails to bridge the gap of Brophy and Kubo et al.

Applicants therefore submit that the features recited in the independent claim 1 are not obvious over the references of record and respectfully request that the rejection be withdrawn. Furthermore, Applicants submit that the features recited in independent claim 12 are novel over the references of record for the same reasons as presented with respect to claim 1, and therefore respectfully request that the rejection to claim 12 be withdrawn for at least the same reasons as provided for claim 1.

Since claims 2-4, 8-9, 13-15, 17 and 20-22 depend, directly or indirectly, from independent claims 1 and 12, Applicants submit that claims 2-4, 8-9, 13-15, 17 and 20-22 should be allowed for at least the same reasons as provided for claims 1 and 12.



For at least the reasons stated in the remarks, Applicants believe all pending claims to be in allowable condition. A favorable examination result is earnestly solicited. Questions or issues arising in this matter should be directed to Applicants' representatives, listed below.

Applicants believe the appropriate fee is filed with this response. However, please charge any deficiency to our Deposit Account No. 18-1945, under Order No. TBRX-P01-004 from which the undersigned is authorized to draw.

Dated: August 24, 2006

Respectfully submitted,

By Annika K. Imbrie
Annika K. Imbrie

Registration No.: 58,719
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant